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C O N F I D E N T I A L SECTION 01 OF 02 COLOMBO 001763

SIPDIS

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DEPARTMENT FOR SCA/INS

E.O. 12958: DECL: 10/23/2016

TAGS: PGOV PHUM CE

SUBJECT: SRI LANKA: POLITICAL GROUPS, DIPLOMATS AGREE  
NORTH-EAST MERGER IS CRUCIAL TO PEACE PROCESS

REF: A) COLOMBO 1752 B)COLOMBO 1706 C)COLOMBO 1755

Classified By: AMBASSADOR ROBERT O. BLAKE, JR. FOR REASONS 1.4(b) and (d)

¶1. (C) SUMMARY: President Rajapaksa told visiting Assistant Secretary Richard Boucher that the government should consult

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residents of Sri Lanka's Eastern Province as to whether they want to see their multi-ethnic region merged with the Tamil-dominated north. Rajapaksa envisioned a multi-step process involving a referendum in the East, followed by possible Parliamentary action to reinstate the merger voided by Sri Lanka's Supreme Court. However, representatives of most other parties, as well as the Norwegian facilitators and the Co-Chair Ambassadors, told us that the merger of North and East was crucial for the success of talks between the government and the Tamil Tigers. In his response to President Rajapaksa, Boucher emphasized that the merger was fundamental to the negotiations and urged him to accept it as a "given." Boucher said he hoped the government would come to an understanding with the opposition United National Party that would yield a constitutional two-thirds majority in Parliament for legislation to reinstate the merger. End summary.

¶2. (C) In an October 19 meeting with President Mahinda Rajapaksa (ref a), A/S Boucher noted that many saw the recent Supreme Court decision voiding the merger of the Northern and Eastern provinces (ref b) as a serious obstacle to progress on peace. Rajapaksa responded that he envisaged a multi-step process beginning with a referendum in the East. If the people there sought to join with the north, then the government could codify the merger via constitutional amendment. Boucher said that for the peace process to go forward, it was important to accept the merger as a given.

¶3. (SBU) Most of the political figures we have spoken to agree that the October 16 Supreme Court decision voiding the 1988 executive order merging the north and east is a serious stumbling block for talks with the Tigers to end Sri Lanka's long ethnic conflict. According to analysts, the merger

can continue legally if parliament enacts it by a two-thirds majority.

¶4. (C) In a separate meeting with Boucher, opposition United National Party leader Ranil Wickremesinghe said he expects a parliamentary debate on the de-merger. He added that his party will support maintaining the merger to bolster the peace process. Once the memorandum of understanding between his party and the governing Sri Lanka Freedom Party on a Common Minimum Program was set (ref c), he saw no difficulty in finding a 2/3 majority in Parliament for the merger. His party will then also raise the issue of increased political representation for Muslims.

¶5. (C) Parliamentarian Rauff Hakeem of the Sri Lanka Muslim Congress told Boucher that Muslim concerns are distinct from those of the Tamil minority. According to Hakeem, the Liberation Tigers of Tamil Eelam's insistence on an unconditional merger is not acceptable to Muslims, who will need safeguards for their interests in a merged province. Nevertheless, Hakeem indicated that he and other the Muslims have not pushed hard for a de-merger for fear of impairing their generally cordial relations with the Tamil community. Hakeem suggested that a model based on India's governance of former French colonies might be appropriate for power-sharing between Tamils and Muslims in the East. He added that his party will work with other parties in Parliament to reach a compromise.

¶6. (C) In an October 18 meeting including other Co-Chair Ambassadors, Japanese Peace Envoy Akashi told Charge and Pol Chief that Tiger head negotiator Thamilchelvan had become agitated when discussing the Supreme Court ruling at a meeting earlier that day in the de facto Tamil Tiger capital

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of Kilinochchi. Thamilchelvan told Akashi the de-merger decision was "constitutionally unacceptable." In press statements, Thamilchelvan said Tamils have never accepted the legitimacy of Sri Lanka's constitution, and therefore did not recognize the Supreme Court's right to issue this ruling.

¶7. (C) Norwegian facilitator Jon Hanssen-Bauer told Boucher on October 20 that his talks the previous day with Tamil Tiger negotiators had shown they were, in fact, "very upset" about the Supreme Court ruling. Hanssen-Bauer said he shared the view that the merger was a necessary condition for talks to continue. He observed that the inclusion of numbers of Sinhalese and Muslim residents of the East in a merged province would make it less likely that the Northeast would attempt to secede from Sri Lanka. Boucher said that his impression was that Rajapaksa had been thinking aloud about holding a referendum, rather than setting out a strongly held position. He told Hanssen-Bauer that he had urged Rajapaksa to act quickly to re-establish the merged region.

¶8. (C) On October 20, the pro-Tiger Tamil National Alliance boycotted a session of parliament to protest the Supreme Court de-merger ruling. The Alliance called on the government to codify the merger, saying a failure to do so would "permanently shut the doors on finding a political solution" to the ethnic conflict. The previous day, in a meeting with A/S Boucher, Alliance parliamentarian G.G. Ponnambalam accused the Supreme Court of catering to the Sinhala chauvinist Janatha Vimukthi Peramuna. He emphasized that the merger was crucial to the peace process, saying that any government back-tracking on the issue would cause the Tigers to pull out of negotiations. He added that Parliament held the solution in its hands -- if the governing Sri Lanka Freedom Party and the United National Party joined with the 22 Alliance parliamentarians and others to form a two-thirds majority to pass the necessary legislation.

¶9. (C) COMMENT: Although he belongs to a pro-Tiger party, Ponnambalam represents relatively moderate tendencies within the Tamil community. Many, or even most, Tamils will point

to the Supreme Court ruling as another example of "southern" intransigence and failure to address legitimate Tamil aspirations. It is good news that the United National Party is apparently committed to supporting the continued merger in parliament. The memorandum of understanding it signed with the governing Sri Lanka Freedom Party on October 23 (ref c) should provide the vehicle for reinstating the merger through legislation. The Freedom Party's erstwhile coalition partners, the hard-line Janatha Vimukthi Peramuna and the Buddhist monk-based Jathika Hela Urumaya, will seek to mobilize their base by railing against the merger during the expected parliamentary debate. This may well seal the break between the Freedom Party and the Sinhala chauvinist parties.

¶10. (SBU) Assistant Secretary Boucher cleared this message.  
BLAKE